

REMARKS

In the last response, applicant elected Group I (a device for fixing an object to a tree), claims 1-13 and 15, without traverse. Non-elected claims 14 and 16 were canceled.

The subject matter of claims 10-11 is now been incorporated into claim 1 and been amended to more specifically recited the invention in a structural manner. Accordingly, the claims continue to read on Group I. No new matter is entered by way of these amendments.

The claims have been amended in view of the claim objections and rejection under section 112, second paragraph. Withdrawal of the objection/rejection is solicited.

A review of the invention and the prior art may prove useful.

The inventive device 10 is illustrated by Figure 1 and includes four separate components 12, 14, 16, and 18 which make up an elongate body. The screw-like component 12 located at one end of the elongate body acts as a fixing member. Within the free end of the head portion 13A there is a threaded blind bore. A central portion is formed of two substantially cylindrical components 14, 16. A threaded projection extending from one end of the cylindrical component 14 fits into the blind bore of the fixing component 12. The other end of the cylindrical component 14 includes a threaded blind bore 15A. The component 16 has a threaded projection 17 which is used to connect to the bore 15A.

The other end of the component 16 has a blind bore 17A. Further components such as the components 14 or 16 can be used to extend the overall length of the device 10.

An object to be fixed to the tree, such as cable clip 24, can then be threaded onto the device so that it abuts the washer 20 (if fitted). A compression spring 22 is then fitted over the cylindrical components 14, 16 to encircle them. A first end of the spring 22 abuts the cable clip 24.

End piece 18 is screwed into the bore 17A of the component 16. The end piece 18 can be a nut having a threaded projection 19 and a head portion 19A having a diameter greater than that of the cylindrical components 14, 16. As illustrated, a second end of the spring 22 will normally abut the washer 19B instead of the head 19A.

Figure 2 shows the device fixing the cable clip 24 to a tree 32. The bias provided by the spring 22 helps retain the clip 24 adjacent the outer surface of the tree 32. Thus, pressure from the spring can retain clip 24 on the body of the device during normal use. As the tree grows, the washer 20 and the clip 24 are pushed against the bias of the spring 22 towards the end piece 18 of the device 10, which can help prevent the clip 24 at least from becoming embedded in the tree.

The tree may eventually grow to a size which would mean that the clip 24 is in danger of being embedded or causing damage to the tree or the device is at risk of failing. At this point

the end piece 18 of the device can be removed and a further smooth cylindrical portion can be fitted in order to increase the overall length of the device. Thus, the length of the elongate body is adjustable by virtue of the plurality of elongate members defining an overall device length.

Rejection Under 35 USC 103

Claims 1-13 and 15 were rejected as obvious over BAUMGARTEN 640,357 in view of PERKINS 316,650.

As amended the claims are non-obvious.

Neither BAUMGARTEN nor PERKINS disclose a device having an elongate body that is adjustable by being comprised of a plurality of separable elongate members, the addition of a further elongate member allowing the length of the device to be increased.

Neither BAUMGARTEN nor PERKINS disclose a device which is to be fixed to a growing tree. Both BAUMGARTEN and PERKINS disclose devices to be fixed to static surfaces. Accordingly, there is no reason why either BAUMGARTEN or PERKINS would be modified to allow the length to be adjustable.

Thus, each independent claim is believed to be non-obvious. The dependent claims are non-obvious at least for depending from a non-obvious claim.

Further, the specific structural features recited by the claims are not suggested by the applied art, e.g., the recited an elongate body being comprised of i) a first terminal

end comprised of a screw component located at one end of the elongate body, the screw component have a threaded blind bore, ii) a central portion joined to the screw component and comprised of plural elongate members joined together, each elongate member having a threaded blind bore and a threaded projection, and iii) a second terminal end piece joined to a terminal end of the central portion and comprised of a threaded projection, the central portion having an extendable length by an addition of a further elongate member between the second terminal end piece and the terminal end of the central portion.

Reconsideration and allowance of the claims are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

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